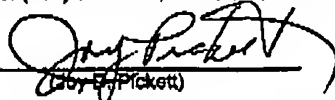


I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-8306, on the date shown below.

Dated: 10/12/2004

Signature:


(Jay E. Pickett)Docket No.: 21805-00155
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Chatty et al.

Application No.: 10/604,922

Confirmation No.: 1921

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Filed: August 27, 2003

Art Unit: 2811

For: PFET-BASED ESD PROTECTION
STRATEGY FOR IMPORVED EXTERNAL
LATCHING ROBUSTNESS

Examiner: O. Nadav

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 9, 2004, applicant hereby provisionally elects Group I, claims 2-19 for continued examination, with traverse.

The outstanding Office Action has required restriction between:

Group I, claims 2-19, drawn to a semiconductor device, classified in class 257, subclass 355; and

Group II, claim 1, drawn to a process of making a semiconductor device, classified in class 438, subclass 22+.¹

¹ Outstanding Office Action dated September 9, 2004, page 2, lines 1-10.

Application No.: 09/581,021

Docket No.: 21776-00050-US

Applicants make these elections based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants respectfully traverse the Restriction Requirement for the following reasons.

MPEP Section 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In particular, the claims of the present invention would appear to be part of the same technology area (i.e., semiconductor devices). Though the Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)), in the present case, the claimed subject matter may be classified in different subclasses of the same class and Applicants respectfully submit the inventions are not independent. That is, Applicants respectfully submit that an examination of one set of claims will require a search in the classes common to the same technology area.

Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn. However, if the present Restriction Requirement is not withdrawn, examination on the merits of claims 2-19 is believed in order and an early and favorable action to that effect is respectfully requested.

Application No.: 09/581,021

Docket No.: 21776-00050-US

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-3223, under Order No. 21806-00155-US, from which the undersigned is authorized to draw.

Dated: October 12, 2004.
361152_1

Respectfully submitted,

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